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**DISPUTE RESOLUTION IN THE DIGITAL AGE: CHALLENGES
AND ALTERNATIVES FOR INDIA'S LEGAL SYSTEM**



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DISPUTE RESOLUTION IN THE DIGITAL AGE: CHALLENGES AND ALTERNATIVES FOR INDIA'S LEGAL SYSTEM

RESOLUCIÓN DE CONTROVERSIAS SOBRE DERECHOS DE AUTOR EN LA ERA DIGITAL: DESAFÍOS Y ALTERNATIVAS PARA EL SISTEMA JURÍDICO DE LA INDIA

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ABSTRACT

Digital technologies have profoundly transformed the production, distribution, and dissemination of copyrighted works, while simultaneously exposing the limitations of traditional judicial enforcement mechanisms. Copyright owners increasingly face infringements that can occur rapidly and across multiple jurisdictions, whereas conventional litigation is often time-consuming, costly, procedurally complex, and insufficiently responsive to the dynamics of the digital environment. In this context, the growing acceptance of alternative dispute resolution in India, together with the more recent development of online dispute resolution, represents a pragmatic response to existing enforcement challenges. However, this transition remains uneven. Legal uncertainty regarding the arbitrability of copyright disputes, inconsistent judicial approaches, limited institutional capacity, and insufficient technological infrastructure continue to restrict the effective use of these mechanisms. This study examines the existing legal and institutional framework for copyright dispute resolution in India and incorporates a comparative analysis to identify its principal limitations and opportunities for reform. The findings indicate that, without clearer legislative guidance, stronger institutional mechanisms, and greater investment in technologically enabled dispute-resolution platforms, copyright owners will continue to face significant difficulties in obtaining timely, accessible, and effective remedies in the digital environment.

Keywords:

Copyright law, dispute resolution, alternative dispute resolution, online dispute resolution, mediation, arbitration, intellectual property rights.

RESUMEN

Las tecnologías digitales han transformado profundamente la producción, distribución y difusión de las obras protegidas por derechos de autor, al tiempo que han puesto de manifiesto las limitaciones de los mecanismos tradicionales de tutela judicial. Los titulares de derechos de autor se enfrentan cada vez más a infracciones que pueden producirse rápidamente y en múltiples jurisdicciones, mientras que los procedimientos judiciales convencionales suelen ser prolongados, costosos, procesalmente complejos y poco adecuados para responder a las dinámicas del entorno digital. En este contexto, la creciente aceptación de los mecanismos alternativos de resolución de controversias en la India, junto con el desarrollo más reciente de los mecanismos de resolución de controversias en línea, representa una respuesta pragmática a los desafíos existentes en materia de protección y aplicación de los derechos de autor. Sin embargo, esta transición continúa siendo desigual. La incertidumbre jurídica respecto a la arbitrabilidad de las controversias sobre derechos de autor, la falta de uniformidad en los criterios judiciales, la limitada capacidad institucional y las insuficiencias de la infraestructura tecnológica siguen restringiendo la utilización efectiva de estos mecanismos. El presente estudio examina el marco jurídico e institucional vigente para la resolución de controversias relacionadas con los derechos de autor en la India e incorpora un análisis comparativo para identificar sus principales limitaciones y oportunidades de reforma. Los resultados indican que, sin una orientación legislativa más clara, mecanismos institucionales más sólidos y una mayor inversión en plataformas tecnológicas destinadas a la resolución de controversias, los titulares de derechos

de autor continuarán enfrentando dificultades significativas para obtener mecanismos de reparación oportunos, accesibles y eficaces en el entorno digital.

Palabras clave:

Derechos de autor, resolución de controversias, mecanismos alternativos de resolución de controversias, resolución de controversias en línea, mediación, arbitraje, derechos de propiedad intelectual.

INTRODUCTION

Innovation and creative expression have long been fundamental to the development of the creative industries. However, the digital environment has profoundly transformed the ways in which creative works are produced, reproduced, distributed, licensed, modified, and monetized. The expansion of digital platforms has consequently increased the complexity of copyright disputes, which are no longer confined to conventional forms of unauthorized use. Although the Copyright Act (Government of India, 1957) establishes exclusive rights for copyright owners and provides statutory remedies against infringement, traditional litigation mechanisms face significant challenges in responding effectively to the speed, scale, and cross-border nature of digital reproduction and dissemination.

Contemporary copyright disputes encompass a wide range of issues, including digital piracy, unauthorized use of protected works, licensing disagreements, infringements occurring through digital platforms, disputes concerning the authorship and ownership of collaborative works, and violations of moral rights. These challenges are particularly significant in industries such as film, music, publishing, software, and broadcasting, where the commercial value of creative works increasingly depends on their timely and effective protection. Delays in addressing copyright infringement may therefore result in substantial economic losses for creators and rights holders, while also diminishing the practical effectiveness of the remedies available under existing legal frameworks.

Despite the growing need for faster and more flexible enforcement mechanisms, courts remain a primary means of resolving copyright disputes. The costs of litigation, procedural complexity, jurisdictional difficulties, and lengthy proceedings have nevertheless encouraged greater consideration of mechanisms outside conventional judicial processes. At the international level, arbitration and mediation have been supported by legal instruments intended to facilitate the resolution of cross-border disputes and the recognition or enforcement of their outcomes.

The UNCITRAL Model Law on International Commercial Arbitration provides a framework for the conduct of international commercial arbitration, while the United Nations Convention on International Settlement Agreements Resulting from Mediation establishes a framework for the

enforcement of qualifying international settlement agreements resulting from mediation (United Nations, 2018; United Nations Commission on International Trade Law, 1985). These instruments provide an important international context for considering the potential of alternative dispute-resolution mechanisms in disputes involving parties, rights, or commercial relationships across different jurisdictions.

In India, policy developments have increasingly recognized the potential of alternative dispute resolution and online dispute resolution for addressing intellectual property disputes, particularly those arising in digital environments. The *National Intellectual Property Rights Policy* (Ministry of Commerce and Industry, Department of Industrial Policy and Promotion, Government of India, 2016), for example, supports the development of mechanisms capable of improving the enforcement and management of intellectual property rights.

Nevertheless, alternative and online dispute resolution have not yet become standard mechanisms for resolving copyright disputes in India. Significant challenges remain concerning the arbitrability of copyright claims, the distinction between disputes involving private rights and those affecting broader public interests, and the relationship between private adjudication and the statutory character of copyright protection (Arora et al., 2021; National Institution for Transforming India, 2021). These legal uncertainties, together with institutional and technological limitations, demonstrate the need to examine whether the existing dispute-resolution framework is adequately equipped to address copyright conflicts arising in an increasingly digital and transnational environment.

Accordingly, the objective of this study is to examine the legal and institutional framework governing copyright dispute resolution in India, assess the role and limitations of alternative and online dispute-resolution mechanisms, and compare selected international approaches in order to identify challenges and potential directions for strengthening the effectiveness, accessibility, and adaptability of copyright enforcement in the digital age.

METHODOLOGY

This study adopts a qualitative, doctrinal, and comparative legal research design to examine the mechanisms available for resolving copyright disputes in the digital environment, with particular emphasis on India. The research is based on the analysis of primary and secondary legal sources. Primary sources include national legislation, judicial decisions, international treaties, and institutional legal instruments relevant to copyright protection, arbitration, mediation, and dispute resolution. Secondary sources comprise academic articles, institutional reports, policy documents, and specialized legal publications addressing copyright enforcement and alternative mechanisms for dispute resolution.

The doctrinal analysis focuses on identifying and interpreting the legal principles governing copyright disputes in India, particularly those concerning jurisdiction, arbitrability, judicial remedies, mediation, arbitration, and technology-enabled dispute resolution. Judicial decisions were examined to determine how Indian courts have interpreted the distinction between rights enforceable between private parties and rights affecting the public at large, as well as the implications of this distinction for the arbitrability of copyright disputes.

A comparative legal approach was also employed to examine selected practices in the United States, the European Union, and Singapore. These jurisdictions were considered in relation to four analytical dimensions: accessibility of remedies, procedural efficiency, incorporation of alternative dispute-resolution mechanisms, and use of technological tools in dispute resolution. The comparison was used to identify institutional practices and regulatory approaches that may provide relevant guidance for strengthening the Indian framework.

The collected materials were analyzed through qualitative legal interpretation and thematic comparison. Particular attention was given to recurring challenges involving procedural delays, costs, jurisdictional complexity, institutional capacity, technological infrastructure, cross-border enforcement, and the enforceability of alternative and online dispute-resolution outcomes. The study does not employ empirical data or statistical analysis; rather, its findings derive from the systematic interpretation and comparison of legal, judicial, institutional, and scholarly sources.

DEVELOPMENT

Copyright grants a range of exclusive rights to the creator or owner of an original work. These rights include reproduction, public performance or display, distribution, communication of the work to the public, and the creation of derivative works. Copyright protection generally arises automatically when an original work is created and expressed in a tangible form. In India, registration with the Copyright Office is not mandatory for copyright protection, although registration may serve as evidence and facilitate the enforcement of rights in the event of a dispute.

Under Section 22 of the *Copyright Act, 1957*, copyright protection for literary, dramatic, musical, and artistic works generally extends throughout the lifetime of the author and for 60 years following the author's death (Government of India, 1957). Copyright protection is territorial and operates within the jurisdiction in which protection is sought, while international treaties, such as the Berne Convention for the Protection of Literary and Artistic Works, establish minimum standards of protection among contracting states (World Intellectual Property Organization, 1886).

The *Copyright Act, 1957* recognizes both economic and moral rights. Economic rights enable copyright owners to control specified uses of their works, including reproduction, distribution, communication to the public, public performance, and the creation or authorization of certain adaptations, as provided under the relevant provisions of the Act (Government of India, 1957). In addition, Section 57 recognizes authors' special rights, commonly associated with moral rights, which protect their personal and reputational interests in relation to their works. These rights are distinct from economic rights and may continue to protect the author even after the economic rights have been assigned.

Copyright initially belongs to the author subject to the exceptions and conditions established by the *Copyright Act* (Government of India, 1957). In certain circumstances, including particular employment or commissioned-work arrangements, ownership may be determined by the nature of the relationship between the parties and the applicable contractual and statutory provisions. Consequently, questions of authorship and ownership must be assessed in accordance with both the relevant legal provisions and the terms governing the creation of the work.

Copyright therefore encompasses two important dimensions: the protection of the economic interests associated with the exploitation of creative works and the protection of the author's personal interests in relation to those works (Baxi, 1986). Copyright disputes may consequently arise in different contexts and require different legal remedies, procedures, and dispute-resolution strategies:

- **Infringement Disputes** arise when copyrighted work is copied, shared, performed publicly, modified or changed without consent of the copyright owner. Courts usually look at access, originality and the extent of copying to determine if there is substantial similarity between the original work and the allegedly infringing work. This type of conflict occurs particularly in industries like entertainment, publishing, and software seen in the study of Singh, (2023).
- **Licensing Disputes** occur when there is a disagreement about license terms, such as territorial rights, duration of the license, the scope of the license, royalty payments, sublicensing rights, etc. Typical disputes involve the interpretation of contractual wording, and the scope of the permissions given by the license.
- **Collaborative or commissioned** works often have authorship/ownership conflicts. Contractual or employment terms that are ambiguous can create several grounds for multiple claims of authorship or ownership. There can also be conflicts between joint authors on the division of rights or control over the exploitation of the work.
- **Moral Rights Violations-** Under s. 1 Under the CR Act 57, a number of the authors have moral rights even if their economic rights have been transferred. These rights enable CR holders authorship and he/she can

object to any distortion if done to their work, similarly if any alteration or misrepresentation of their work that may harm reputation.

- **Online dissemination-** poses the greatest challenges of all time to copyright enforcement, as is evident in Digital Disputes. Violations happen in bulk, there's no trouble with duplication, and platforms frequently protect themselves with the help of intermediary-liability doctrines. Territorial enforcement are made for physical markets but actually struggles where jurisdiction is fluid and evidence disappears in minutes as it happens in social media cases. Legal interventions need to go beyond takedowns and injunctions thus we need to adopt various other mechanisms which are capable of operating at the speed of same for digital exploitations.

The **Copyright Act, 1957** constitutes the principal legal framework for copyright protection in India and has undergone several amendments to address technological and commercial developments (Government of India, 1957). These reforms have introduced provisions concerning the dissemination and exploitation of copyrighted works through digital technologies and the protection of rights in online environments. The **Copyright Rules** (Government of India, 2013) complement the Act by providing a procedural framework for matters such as copyright registration, licensing, and the administration and enforcement of copyright-related rights.

The statutory framework also establishes mechanisms governing specific forms of exploitation of copyrighted works. Sections 31C and 31D of the **Copyright Act** (Government of India, 1957) provide statutory licensing mechanisms applicable to certain uses of protected works, subject to the conditions established by law. The Act also provides for the establishment and regulation of copyright societies and collective rights-management organizations to facilitate the administration of rights and the collection and distribution of royalties. In addition, Section 63 establishes criminal penalties for certain forms of copyright infringement, thereby strengthening the legal mechanisms available to address unlawful uses of protected works.

As a member of the World Trade Organization, India is required to comply with the **Agreement on Trade-Related Aspects of Intellectual Property Rights** (World Trade Organization, 1994), which establishes minimum standards for the protection and enforcement of intellectual property rights. The Berne Convention for the Protection of Literary and Artistic Works further strengthens this framework through principles such as national treatment and minimum standards of copyright protection (World Intellectual Property Organization, 1886). In the digital context, the World Intellectual Property Organization Copyright Treaty extends international copyright protection to the digital environment and requires legal protection against the circumvention of technological measures used by rights holders to protect their works (World Intellectual Property Organization, 1996).

India's international commitments also extend to mechanisms relevant to the resolution of intellectual property-related commercial disputes. The **Arbitration and Conciliation Act** (Government of India, 1996), which is substantially based on the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration, reflects an effort to align India's arbitration framework with internationally recognized principles of commercial dispute resolution. This framework can contribute to greater procedural consistency and legal certainty in cross-border disputes involving copyright licensing and other contractual rights.

As the creative industries become increasingly commercialized, technologically driven, and internationally interconnected, copyright dispute-resolution mechanisms must protect the economic and reputational interests of authors and rights holders while also providing timely and effective remedies. Accordingly, the effectiveness of copyright protection depends not only on the substantive rights recognized by national legislation and international instruments but also on dispute-resolution mechanisms capable of responding to the speed and complexity of contemporary creative markets.

Litigation remains a primary mechanism for copyright enforcement in India, encompassing civil and criminal remedies. Section 55 of the **Copyright Act** (Government of India, 1957) provides copyright owners with civil remedies for infringement, including injunctions, damages, and accounts of profits. Depending on the circumstances of the case, courts may also grant interim and preventive remedies, including Anton Piller orders, John Doe orders, and *quia timet* injunctions. Copyright disputes may fall within the jurisdiction of district courts or commercial courts in accordance with the applicable statutory framework, including the **Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act** (Government of India, 2015). In addition, Section 63 of the **Copyright Act** (Government of India, 1957) establishes criminal penalties for certain copyright infringements, including imprisonment and fines. Following the abolition of the Intellectual Property Appellate Board in 2021, functions previously exercised by that body were transferred to other judicial and administrative authorities, including the High Courts. This institutional restructuring has raised concerns regarding judicial workload, technical capacity, and the timely resolution of intellectual property disputes (Barve & Chakraborty, 2021).

Arbitration in India is primarily governed by the **Arbitration and Conciliation Act** (Government of India, 1996) which provides the legal framework for domestic and international commercial arbitration. Arbitration is a consensual process based on a valid arbitration agreement between the parties and generally offers greater confidentiality and procedural flexibility than conventional litigation. Although the Act does not provide an exhaustive list of arbitrable

disputes, Section 34 establishes grounds on which an arbitral award may be set aside, including circumstances in which the subject matter of the dispute is not capable of settlement by arbitration under Indian law. Indian courts have therefore played an important role in determining arbitrability, particularly through the distinction between *rights in personam*, which concern rights between particular parties, and *rights in rem*, which affect rights enforceable against the world at large.

In *Eros International Media Ltd. v. Telemax Links India Pvt. Ltd.*, the Bombay High Court recognized that certain copyright disputes arising from contractual and commercial relationships may be resolved through arbitration. Similarly, decisions such as *Indian Performing Right Society Ltd. v. Entertainment Network (India) Ltd.* and *Lifestyle Equities CV v. Qdseatoman Designs Pvt. Ltd.* illustrate the importance of the nature of the rights and remedies involved when determining whether an intellectual property dispute is arbitrable. Arbitration may offer advantages such as procedural flexibility, confidentiality, specialized expertise, and greater suitability for certain cross-border commercial disputes (Sehgal, 2021). International institutions, including the World Intellectual Property Organization Arbitration and Mediation Center, also provide specialized mechanisms for resolving intellectual property and copyright-related disputes.

Mediation constitutes a non-adversarial mechanism that can be particularly appropriate for copyright disputes involving licensing relationships, collaborative works, authorship, moral rights, and other matters in which preserving professional or commercial relationships is important. The *Mediation Act* (Government of India, 2023) provides a statutory framework for mediation in India and strengthens the institutional recognition of mediation as a mechanism for resolving appropriate civil and commercial disputes. Unlike adjudicatory procedures, mediation enables the parties to participate directly in developing a mutually acceptable settlement and allows greater consideration of their commercial, professional, and relational interests. These characteristics may make mediation particularly valuable in intellectual property disputes, where continued collaboration and confidentiality can be significant considerations (Ollapally, 2024).

Negotiation remains an important informal mechanism for resolving copyright disputes, particularly in sectors such as entertainment, publishing, and software, where continuing commercial relationships may make an early settlement preferable to formal proceedings. Through direct negotiation, the parties can address matters such as licensing conditions, royalty payments, attribution, permitted uses, and the future exploitation of copyrighted works without immediately resorting to litigation or other formal dispute-resolution procedures. Its flexibility, relative confidentiality, and comparatively low cost make negotiation an important initial mechanism for copyright

dispute resolution and a useful complement to mediation and arbitration.

In the digital environment, where copyright infringement can occur rapidly and across multiple jurisdictions, online dispute resolution has gained increasing relevance as a mechanism for addressing disputes efficiently. Online dispute resolution integrates digital technologies with procedures such as electronic arbitration and virtual mediation, allowing parties to manage disputes without requiring their physical presence. Major digital platforms, including YouTube and Instagram, have also developed internal copyright-reporting mechanisms that incorporate notices, counter-notices, and other procedures intended to facilitate the prompt resolution of disputes concerning allegedly infringing content. Technology-assisted negotiation and electronic filing may further contribute to resolving high-volume, relatively low-value digital disputes more efficiently (Online Legal India, 2025). Nevertheless, the absence of a comprehensive statutory framework specifically governing online dispute resolution in India, together with questions concerning recognition and enforceability, continues to limit its broader application.

- Judicial framework governing copyright dispute resolution

The effective resolution of copyright disputes requires both a sound legal framework and adequate institutional capacity. Significant institutional changes followed the abolition of the Intellectual Property Appellate Board in 2021 and the redistribution of its functions to other judicial and administrative authorities. High Courts now exercise important functions concerning copyright disputes, including matters arising from decisions of the Copyright Registrar and other proceedings provided for under copyright legislation. Procedural mechanisms available within the commercial court system, including summary judgment, case-management procedures, and prescribed procedural timelines, are intended to improve judicial efficiency. Nevertheless, the transfer of intellectual property matters to the courts has also generated concerns regarding judicial workload and the availability of specialized technical expertise (George, 2022).

At the international level, the Agreement on Trade-Related Aspects of Intellectual Property Rights requires member states to provide effective enforcement procedures and remedies for intellectual property rights, including civil judicial procedures, injunctions, damages, and provisional measures. India's copyright enforcement framework incorporates civil and criminal mechanisms intended to satisfy these international obligations. The Berne Convention for the Protection of Literary and Artistic Works also remains fundamental to international copyright protection through principles such as national treatment, automatic protection, and minimum standards of protection (World Intellectual Property Organization, 1886). These international instruments therefore provide an important normative

framework within which domestic copyright protection and enforcement operate.

Indian courts have played a central role in defining the boundaries of arbitrability in copyright disputes. In *Vidya Drolia v. Durga Trading Corporation*, the Supreme Court of India developed a framework for determining when disputes are not capable of resolution through arbitration, including situations involving rights enforceable against the world at large, effects on third-party rights, matters involving public interests, and disputes expressly reserved by legislation for particular adjudicatory mechanisms. Although the case did not specifically concern copyright, its principles are relevant to determining whether particular copyright disputes may be submitted to arbitration.

In *Eros International Media Ltd. v. Telemex Links India Pvt. Ltd.*, the Bombay High Court recognized the arbitrability of certain copyright disputes arising from private contractual relationships. The reasoning is particularly relevant where disputes concern licensing, assignment, distribution, or other contractual arrangements and primarily involve rights between identifiable parties. Subsequent decisions, including *Euro Kids International Pvt. Ltd. v. Bhaskar Vidyapeeth Shikshan Sanstha*, *Indian Performing Right Society Ltd. v. Entertainment Network (India) Ltd.*, and *Lifestyle Equities CV v. Qdseatoman Designs Pvt. Ltd.*, further illustrate the importance of distinguishing between private contractual rights and rights affecting the public at large when assessing arbitrability.

This approach was further reflected in *Sohail Khan Productions Pvt. Ltd. v. Real Estate Worldwide Pvt. Ltd.*, which concerned a contractual dispute between private parties involving a film script. The Bombay High Court treated the dispute as arbitrable because its essential character concerned private contractual obligations rather than rights affecting the public generally. Taken together, these decisions demonstrate an increasing judicial willingness to recognize arbitration in copyright disputes arising predominantly from commercial and contractual relationships, while disputes involving statutory adjudication or rights enforceable against the public at large remain subject to greater restrictions.

Alongside arbitration, mediation has acquired greater importance in the resolution of intellectual property disputes. Court-connected mediation mechanisms, including those associated with the Delhi High Court, provide institutional avenues for parties seeking consensual resolution. Specialized institutions also contribute to the development of mediation and arbitration in intellectual property disputes. The Mediation Act (Government of India, 2023) further strengthens the statutory framework for mediation in India, although the suitability of mediation continues to depend on the nature of the dispute and the rights involved.

From an administrative perspective, the Copyright Office and the Registrar of Copyrights continue to perform

important functions concerning registration, licensing, and the supervision of copyright societies. Decisions taken within this administrative framework remain subject, where applicable, to judicial scrutiny, thereby preserving judicial oversight of the administration of copyright law.

- Challenges and issues in copyright dispute resolution

Despite the existence of a statutory framework and the continuing development of judicial interpretation, copyright enforcement in India continues to face significant challenges. The effectiveness of available legal remedies may be limited by procedural delays, jurisdictional complexities, technological developments, and difficulties associated with enforcement. These problems become particularly significant in the digital environment, where copyrighted works can be reproduced and disseminated rapidly, without authorization, across multiple platforms and jurisdictions.

One of the principal challenges concerns jurisdictional complexity, particularly in cases involving online or transnational infringement. Section 62 of the Copyright Act (Government of India, 1957) provides specific jurisdictional rules intended to facilitate access to judicial remedies for copyright owners. However, determining the appropriate forum may become considerably more complex when alleged infringement occurs through digital platforms accessible from multiple jurisdictions. In *India TV Independent News Service Pvt. Ltd. v. Yashraj Films Pvt. Ltd.*, the Delhi High Court addressed questions concerning territorial jurisdiction in the context of online activities, illustrating the difficulties associated with applying territorially based jurisdictional principles to digital environments. Cross-border disputes may present additional challenges because copyright protection and enforcement remain largely territorial despite the international circulation of protected works (Joseph, 2023).

Limited judicial capacity and lengthy procedural requirements may also reduce the effectiveness of copyright enforcement. Although the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act (Government of India, 2015) introduced mechanisms intended to accelerate the resolution of commercial disputes, implementation and judicial capacity may vary across jurisdictions. Delays are particularly significant in industries such as film, music, software, publishing, and broadcasting, where commercial cycles may be relatively short. In such circumstances, a remedy obtained after prolonged proceedings may have substantially less economic value for the rights holder.

Enforcement difficulties may persist even after a judicial decision has been issued. Measures such as blocking orders and dynamic injunctions can require continuing monitoring and cooperation from digital intermediaries. Enforcement may become particularly difficult when infringers operate anonymously, use proxy networks, or

are located outside the jurisdiction. Section 79 of the Information Technology Act (Government of India, 2000) establishes a conditional safe-harbour framework for intermediaries, adding another legal dimension to disputes concerning the responsibilities of digital platforms and the enforcement of copyright in online environments.

Economic barriers can disproportionately affect independent creators, small businesses, and other rights holders with limited financial resources. Litigation expenses, lengthy proceedings, and the possible need for specialized or expert evidence may make judicial enforcement difficult to pursue. Cross-border infringement creates additional challenges because, although international instruments establish substantive standards of copyright protection, enforcement generally remains dependent on domestic legal systems. The operation of copyright societies and collective rights-management mechanisms is therefore also important to effective enforcement, particularly for creators who may lack the resources to pursue individual claims.

Confidentiality and the protection of commercially sensitive information constitute additional considerations in copyright disputes. Litigation may require parties to disclose information concerning licensing arrangements, commercial strategies, contractual relationships, or other sensitive material. Arbitration may provide greater confidentiality in appropriate circumstances, although its effectiveness depends on the applicable rules, institutional framework, and availability of arbitrators with relevant expertise in intellectual property law. Emerging technologies also create new challenges. Content generated through artificial intelligence, for example, raises increasingly complex questions concerning authorship, ownership, metadata, derivative works, and the identification of potentially infringing material.

Taken together, statutory uncertainty, institutional delays, jurisdictional difficulties, technological developments, and enforcement limitations restrict the effectiveness of India's copyright dispute-resolution framework. Addressing these challenges requires greater legal clarity, stronger institutional capacity, specialized expertise in intellectual property adjudication, greater use of appropriate technological tools, further development of alternative dispute-resolution mechanisms, and improved mechanisms for addressing cross-border enforcement.

- Comparative analysis of frameworks for copyright dispute resolution

A comparative examination of copyright dispute-resolution mechanisms in the United States, the European Union, and Singapore provides useful perspectives for assessing possible improvements to India's copyright enforcement framework. These jurisdictions illustrate different institutional and regulatory approaches to the relationship between judicial remedies, alternative dispute resolution,

and technology-enabled mechanisms. The comparison focuses on four principal dimensions: accessibility of remedies, procedural efficiency, integration of alternative dispute-resolution mechanisms, and the use of technology in the resolution of copyright disputes.

United States

The United States has a well-developed, multi-tiered copyright dispute-resolution system in which judicial and alternative mechanisms complement one another. Although litigation remains available, parties may also use settlement, mediation, and arbitration to resolve copyright disputes. Court-connected alternative dispute-resolution procedures can further encourage the early settlement of disputes and reduce the issues requiring judicial determination.

One of the most significant institutional developments in the United States is the Copyright Claims Board, which provides a voluntary and comparatively low-cost forum for certain copyright disputes involving claims of up to 30,000 United States dollars. The mechanism is particularly relevant to individual creators and small businesses because it provides simplified procedures as an alternative to federal court litigation (United States Copyright Office, 2022). Private alternative dispute resolution also plays an important role in licensing, entertainment, publishing, and other copyright-related disputes through institutions such as the American Arbitration Association and Judicial Arbitration and Mediation Services. Arbitration constitutes another alternative to litigation, supported by the Federal Arbitration Act and its framework for the recognition and enforcement of arbitration agreements and awards. Parties involved in international intellectual property disputes may also use specialized mechanisms offered by the World Intellectual Property Organization Arbitration and Mediation Center. The United States model therefore combines judicial remedies, specialized mechanisms, alternative dispute resolution, and technology-enabled procedures to provide different avenues for resolving copyright disputes.

European Union

The European Union seeks to harmonize important aspects of copyright protection and enforcement across its member states while preserving significant roles for national legal systems. Although there is no single legal instrument governing all forms of alternative dispute resolution in copyright matters, the European legal framework provides opportunities for mediation and other consensual mechanisms, particularly in disputes involving licensing and the exploitation of protected works in digital environments (European Parliament & Council of the European Union, 2004).

The European Union Intellectual Property Office promotes alternative dispute-resolution mechanisms and provides mediation and other dispute-resolution services within

the scope of its institutional competence. Alternative mechanisms are also available at the national level within member states, although their structure and application vary among jurisdictions (European Union Intellectual Property Office, n.d.). Technological developments are simultaneously creating new opportunities for copyright management, licensing, rights verification, and dispute prevention. Nevertheless, differences among national procedures and the uneven development of online dispute resolution continue to present challenges. The European Union model is particularly relevant because of its emphasis on cross-border cooperation, collective rights management, digital-market regulation, and the progressive harmonization of intellectual property protection.

Singapore

Singapore has developed a highly structured framework for intellectual property dispute resolution that combines judicial procedures, mediation, arbitration, and technology-enabled mechanisms. Although alternative dispute resolution is not mandatory for all copyright disputes under the Copyright Act, 2021, national policies encourage the use of mediation and arbitration as alternatives for resolving appropriate commercial intellectual property disputes (Intellectual Property Office of Singapore, 2026). The Singapore Intellectual Property Strategy 2030 further reflects the country's broader objective of strengthening its position as an international center for intellectual property transactions and dispute resolution (Government of Singapore, & Intellectual Property Office of Singapore, 2025).

Singapore is also an internationally recognized center for arbitration and mediation. The World Intellectual Property Organization Arbitration and Mediation Center maintains operations in Singapore and provides specialized mechanisms for intellectual property disputes. The Singapore International Arbitration Centre and the Singapore International Mediation Centre also provide procedures for resolving complex commercial disputes. Among these mechanisms is the Arbitration-Mediation-Arbitration Protocol, which allows parties to combine mediation and arbitration within an integrated dispute-resolution process. Singapore has additionally promoted the use of virtual hearings and technology-assisted dispute-resolution procedures. The United Nations Convention on International Settlement Agreements Resulting from Mediation, commonly known as the Singapore Convention on Mediation, further strengthens the international framework for the recognition and enforcement of qualifying mediated settlement agreements. These characteristics make Singapore particularly relevant as an example of the integration of institutional specialization, international cooperation, and technology in commercial dispute resolution.

The approaches adopted in the United States, the European Union, and Singapore demonstrate that effective

copyright dispute resolution can benefit from combining judicial remedies with specialized institutions, alternative dispute-resolution mechanisms, and technology-enabled procedures. The comparative analysis suggests that India could strengthen its framework by considering simplified mechanisms for lower-value copyright disputes, expanding structured mediation and arbitration procedures, increasing specialized institutional capacity, and further integrating online dispute resolution into the management of high-volume digital disputes. Such measures could improve access to remedies, reduce procedural delays, and strengthen the effectiveness of copyright enforcement in the digital environment.

CONCLUSIONS

Copyright dispute resolution in India is evolving in response to the increasingly global and digital nature of creative works and the emergence of new forms of infringement. However, the effectiveness of the existing framework continues to be constrained by procedural delays, high litigation costs, jurisdictional complexities, and difficulties in enforcing remedies in online and cross-border disputes. These limitations are particularly significant in creative industries that depend heavily on the rapid circulation and commercial exploitation of digital content.

In this context, alternative dispute-resolution mechanisms, including arbitration, mediation, and negotiation, have emerged as viable complements to traditional judicial proceedings. These mechanisms may offer greater flexibility, confidentiality, and responsiveness to commercial interests, particularly in disputes arising from licensing agreements, collaborative relationships, and rights management. The enactment of the Mediation Act (Government of India, 2023) together with judicial recognition of the arbitrability of certain contractual copyright disputes, has strengthened the role of alternative dispute resolution within the Indian legal framework. Technology-enabled online dispute-resolution mechanisms may further expand access to efficient and comparatively affordable procedures for individual creators and small businesses. Nevertheless, their broader adoption remains constrained by limited statutory clarity, questions concerning enforceability, institutional capacity, and insufficient awareness among potential users.

Addressing these limitations requires a coordinated reform strategy. Greater legal clarity regarding the arbitrability of copyright disputes is necessary to reduce uncertainty and provide more predictable pathways for dispute resolution. The development of specialized intellectual property dispute-resolution mechanisms within courts and arbitration institutions could also strengthen technical expertise. In parallel, specialized training for judges, mediators, and arbitrators would help ensure that dispute-resolution capacity responds effectively to the legal and technological complexities of the digital marketplace. The development

of an institutionally supported online dispute-resolution mechanism could further improve accessibility, procedural consistency, and efficiency.

Litigation will remain an essential component of copyright enforcement, particularly in disputes involving rights enforceable against the public at large, significant public interests, or remedies requiring judicial authority. However, an effective contemporary copyright enforcement system should integrate alternative and online dispute-resolution mechanisms as complementary components of the broader dispute-resolution framework rather than treating them as peripheral alternatives. India therefore needs to strengthen institutional capacity, clarify its statutory framework, expand technological infrastructure, and enhance international cooperation to develop a dispute-resolution system capable of responding to the challenges of the digital environment while protecting both the creative economy and the rights of creators.

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Conflicts of Interest:

The authors declare no conflicts of interest.

Author Contributions:

Sneh Yadav, Anjali: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, visualization, original draft writing, and writing, review, and editing.

Ethical statement:

This study was conducted in accordance with the ethical principles of scientific research. As it was conceptual and literature-based and relied exclusively on publicly available secondary sources, it did not involve human participants, personal data collection, interventions, or experimentation. Therefore, informed consent and approval by an institutional ethics committee were not required.